

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATES OF AMERICA
V.
KELWIN BERRY

NO. 9:08-CR-18

ORDER ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT

On this day, the Court considered the *Findings of Fact and Recommendation on Guilty Plea* of United States magistrate judge Earl S. Hines regarding defendant's plea of guilty to Count I of the Indictment in the above-numbered case. Having conducted a proceeding in the form and manner prescribed by Fed. R. Crim. P. 11, the magistrate judge recommends that the court conditionally accept the plea agreement and the guilty plea of Defendant.

The parties have not objected to the magistrate's findings. The Court is of the opinion that the *Findings of Fact and Recommendation on Guilty Plea* should be accepted. It is, therefore, **ORDERED** that the *Findings of Fact and Recommendation on Guilty Plea* of the United States Magistrate Judge are **ADOPTED**. Defendant's plea agreement is conditionally **ACCEPTED** by the Court at this time. It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant, KELWIN BERRY, is hereby adjudged as guilty on **Count I** of the charging **Indictment**, charging violations of Title 21, United States Code, Section 841(a)(1).

So **ORDERED** and **SIGNED** this **29** day of **July, 2008**.

Tom Clark

Ron Clark, United States District Judge